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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,120	05/24/2001	Kevin R. Holubar	AUS920010283US1	1468

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EXAMINER	
SERROU, ABDELALI	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,120	HOLUBAR ET AL.	
	Examiner	Art Unit	
	Abdelali Serrou	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Finality

1. In response to the advisory action from 11/02/2005, the applicant has submitted an appeal brief field, filed on 12/09/2005, arguing to overcome the references used. As a result the finality of the rejection of the office action mailed on 7/29/05 has been withdrawn.

Response to Arguments

2. As per claims 6, 16, and 26, the applicant argues that Davis et al. (U.S 6,728,950) do not teach "importing a translated text file corresponding to the text file."(Appeal Brief Field, page 12). However, Davis et al. teach importing (loading) a translated text file corresponding to the text file (col. 9, lines 32-33).

As per claims 1, 11, and 21, in response to applicant's argument that there is no motivation to combine the references taught by Davis in view of Elsbree, the examiner points out that the motivation is stated on page 7 of the office action mailed on 7/29/2005, as: "*It would have been obvious to a person of ordinary skill in the art at the time of the invention, to have added to Davis et al. translation system the ability of updating and detecting changes in the source language, in order to provide an accurate up-to-date translation*".

As per claims 5, 15, and 25, applicant arguments are persuasive, and since no prior art teaches all the limitations of the aforementioned claims, an indication of allowable subject matter is stated below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 6 - 9 (method), 16 - 19 (system), and 26-29 (program) are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al. (US 6,728,950, filed May 1, 2001).

5. As per claims 6, 16, and 26 Davis et al. disclose: A translation system that combines apparatus, method and program (the translation system 10 includes a data storage 12, a translation tool 14, and a graphical user interface (GUI) 16.... The computers may each be a personal computer, file server, work station, minicomputer, mainframe, or any other suitable device capable of processing information based on programming instructions, column 3, lines 40-49). The translation system comprises:

a master text file (The data files 20 include a source file 24, one or more source include files 26, a translation file 28, and one or more translation include files 30, column 4, lines 15-17);

importing a translated text file corresponding to the master text file (col. 9, lines 32-33);

a source and a target language files stored in separate files within the database (the source and the translation files may be for disparate source and target devices or disparate formats for a same device, column 2, lines 16-18);

translated text files that include one or more target language text phrases (elements) (The translation file 28 includes translation elements that correspond to the source elements. Column 4, lines 40-42);

a notification flag is communicated in the case of an incomplete (or incorrect) translation (the red octagon indicates an error situation where the translation is known to be incorrect, impossible, or beyond the limits of the translator, column 8, lines 54-56).

6. As per claim 7, 17, and 27 Davis et al do not teach a method, system, and program for storing an identification number corresponding to the source language text phrase within the database. However, it is inherent that a translation system comprises files with identification numbers or codes within its database in order to retrieve it to serve the purpose of accomplishing translation.

7. As per claims 8, 9, 18, 19, 28 and 29, Davis et al. teach setting a flag within the database as a notification (the source window 74 icons include a red octagon for an error situation, column 8, lines 49-50).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1 (method), 11 (system), and 21 (program) are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,728,950, issued April. 27 2004 as a division of application No 09/429, 339, filed on October. 28, 1999) in view of Elsbree et al. (U.S 6, 360, 358 issued in March. 19, 2002 as a continuation of application No. 09/266, 621, filed on March. 11, 1999).

Davis et al. disclose:

a translation system that combines apparatus, method and program (the translation system 10 includes a data storage 12, a translation tool 14, and a graphical user interface (GUI) 16.... The computers may each be a personal computer, file server, work station, minicomputer, mainframe, or any other suitable device capable of processing information based on programming instructions, column 3, lines 40-49).

The translation system comprises a data file that discloses the source and target language text phrases (The data files 20 include a source file 24, one or more source include files 26, a translation file 28, and one or more translation include files 30, column 4, lines 15-17)

Davis et al. do not disclose:

storage of a modified version of the source language text phrase.

a notification of incorrect translation based on the modification of the first source language text phrase.

Elsbree et al., however, disclose a system, method, and a program that stores the source code and a modified version of the source code (upon a change event (e.g., such as modification to the source code), column 1, line 57,58), detects, and notify the user of the modification of the source code (text phrase) (When the change occurs, the development tool sends a change notification, column 7, line 14, 15).

Davis et al. and Elsbree et al. are analogous art because they are from the same field of translation and notifying the user of any change in the source text phrase. Elsbree et al. teach the translation of a source code that could be read by a computer. Furthermore, Elsbree et al's teaching are applicable to Davis et al's translation system.

It would have been obvious to a person of ordinary skill in the art at the time of the invention, to have added to Davis et al. translation system the ability of updating and detecting changes in the source language, in order to provide an accurate up-to-date translation.

10. Claims 2, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Elsbree et al., as applied to claims 1, 11, and 21, and further in view of McKeeman et al. (U.S 5, 193, 191 issued on Mar. 3, 1993).

Davis et al. and Elsbree et al. do not explicitly teach time stamp for tracking data storage.

However, McKeeman et al. teach storing a plurality of time stamps (Fig. 6b) to indicate the time of last change of each application module.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added McKeeman et al's time stamp feature (Fig. 6b) to Elsbree et al. code maintenance system (column 1, line 47) to track the source code updating time and use it in the Davis et al. and the Elsbree et al. translation system for the benefit of providing a correct and accurate translation.

11. Claims 3, 4, 13, 14, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Elsbree et al., of McKeeman et al., as applied to claims 2, 12, and 22, and further in view of Brown et al. (U.S 5,805,832 issued in Sep. 8, 1998).

Davis et al. and Elsbree et al. do not explicitly teach setting a flag within the database as a notification of the modification of the source text phrase.

However, McKeeman et al. teach setting a bit (flag) within the database as a notification of the modification of the source text phrase (a special bit 48 associated with each line or record called the modify bit which is used to indicate whether a particular line of source text has been modified, column 10, lines 58-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added McKeeman et al's notification bit feature (column 10, line 58) to Elsbree et al. code maintenance system (column 1, line 47) to track the source code updating time and use it in the Davis et al. and the Elsbree et al. translation system for the benefit of providing a system that notifies its users of any change within its database.

Davis et al., Elsbree et al., McKeeman et al. do not explicitly teach comparing time stamps values.

Brown et al. in the same field of endeavor teaches comparing time stamps values (col. 14, line 56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have Brown's time stamps comparator feature combined with the system of Davis et al., Elsbree et al., McKeeman et al., in order to identify the latest version from the old one, and make appropriate corrections and update the old version.

12. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al.

According to the argument used for claims 7, 17, and 27 it will be impossible for such a system to provide translation if entries of target language text phrases within its database fail to include the identification number. Therefore, it would have been obvious to a person of ordinary skill in the art to have a copy of the source language stored in the translated text file to enable updating of the translation.

Allowable Subject Matter

13. Claims 5, 15, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 5, 15, and 25 teach a system, method, and computer readable medium for storing a copy of a second source language text phrase in the translated text when a comparison of the first timestamp and the second timestamp indicates a storage of the second source language text

phrase within the database occurred after the storage of the target language text phrase within the database.

The closest art is by:

Davis et al. in view of Elsbreeet al. , who teach a translation system that stores the source language and a modified version of the source language, detects, and notify the user of the modification when the change occurs. Davis et al. and Elsbreeet al. do not teach storing a copy of a second source language text phrase in the translated text.

Lakritz (u.S 6,526,426) teaches a translation management system that automatically detects when a document, data stream, or non-text file in the master language has been updated and notifies the user with the changes. Lakritz does not teach storing a copy of a second source language text phrase in the translated text.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 571-272-7638. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis I. Smits can be reached on 571-272-7628. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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9/29/206

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